



Claim Form

You may be able to issue your claim online which may save time and money. Go to www.moneyclaim.gov.uk to find out more.

In the Birmingham County Court	
Fee Account no.	
Help with Fees - Ref no. (if applicable)	H W F - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>

<i>For court use only</i>	
Claim no.	
Issue date	27/07/2020

Claimant(s) name(s) and address(es) including postcode
AndrewThompson
VivienWalsh

Caroline Bedale
TonyBeddow:

Defendant(s) name and address(es) including postcode
BrianFisher
JeanHardiman-Smith,



Brief details of claim

The Defendants are sued both personally and as representatives of all members of the Socialist Health Association (SHA), except the Claimants, in their positions as 2 of the 3 principal Honorary Officers of that unincorporated body. The Claimants are all members of the SHA. The Defendants have a) exceeded their powers under the Constitution of the SHA, and b) failed in their duties under that constitution.

The SHA is an unincorporated association and as such the Constitution is a contract between the members to be governed under the law of contract, and the Claimants allege breach of contract by the Defendants through their failure to follow the Constitution.

The Claimants seek: interim relief (as per the accompanying N16A) in the form of an injunction (ex-parte if necessary): 1) halting the unconstitutionally called and imminent CC meeting scheduled for the 1 August 2020; 2) preventing any further CC meeting unless constituted as it was at the end of the AGM of 29/02/2020; and 3) preventing any other further expense prior to a full hearing of this matter;

- a declaration that the actions of the Defendants were against the terms of the Constitution;
- an order to call the constitutionally constituted CC as reported to the 2020 AGM within 3 weeks if the parties have not reached agreement prior to the hearing;
- an order for costs.

Value

No financial value save as to costs

You must indicate your preferred County Court Hearing Centre for hearings here (*see notes for guidance*)

Birmingham County Court

Defendant's name and address for service including postcode

Brian Fisher

Jean Hardiman-Smith

	£
Amount claimed	0.00
Court fee	
Legal representative's costs	
Total amount	

For further details of the courts www.gov.uk/find-court-tribunal.

When corresponding with the Court, please address forms or letters to the Manager and always quote the claim number.

Does, or will, your claim include any issues under the Human Rights Act 1998? Yes No

Particulars of Claim (attached)(to follow)

The SHA held its National AGM in London on 29/02/20. At that AGM the numbers of Central Council members elected by the national membership and delegated from the AGMs of the various constituent branches were reported. No objection was raised to any of those delegates or directly elected members. At that AGM the Honorary Treasurer, Irene Leonard (IL), was elected. The Constitution of the SHA (at clauses 6a and 7) specifies that the Treasurer shall have control of the finances and shall receive membership fees and applications. Since the AGM, IL has been prevented by the defendants from gaining access to the primary financial records of one of the principal accounts, the Paypal account, whence a significant proportion of the membership applications and fees come. IL has been concerned regarding other apparent financial irregularities, but discussion of these concerns has been prevented at meetings of the officers. IL was in the process of compiling a report which she intended to lay before the next CC meeting when an email was received on the 19/07/20, from the Defendants, effectively derecognising large numbers of Branch Delegates. Despite reference in communications to the members at large to 'the Officers' undertaking an investigation, and 'the Officers' calling a meeting of the much smaller resulting CC, IL was not party to the investigation nor to the decision to disenfranchise nearly all the Branches, nor to calling the meeting.

It appears to the Claimants that the reorganisation of CC by 2 of the 3 Officers is a political attempt to avoid financial scrutiny, is unconstitutional and is against the promissory estoppel set up by the actions of both the previous honorary Chair, and of the 2020 AGM.

Furthermore the Defendants have hitherto ignored a call for a Special General Meeting (SGM) to discuss the aforementioned issues, and have continued without the participation of IL to organise a CC Meeting for 01/08/20, without the members unconstitutionally derecognised as previously rehearsed. The Constitution requires a SGM to be called if requested by not less than 30 members. That requirement was reached on the 21/07/20. The identical request has been submitted by in excess of 57 members, and the preamble to the request asked for the SGM to take place 'by 8th August 2020 instead of a reconstituted Central Council'.

It appears to the Claimants that the reorganised CC can not provide the democratic safeguards promised them under the Constitution.

The Defendants can be in no doubt of the strength of feeling regarding the allegedly unconstitutional acts that they have taken and the Claimants believe that the Officers should cancel the CC meeting and arrange a full one constituted as per the reports to the 2020 AGM.

I am the first named Claimant and litigation friend to the other Claimants

**** Where used above and overleaf, CC refers to the Central Council, the ruling body of the SHA.**

Statement of Truth

* I and the other Claimants believe that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimants to sign this statement

Full name Andrew Paul Thompson

Name of claimant's legal representative's firm _____

signed A. P. Thompson position or office held _____

*Claimant and other Claimants' Litigation Friend (if signing on behalf of firm or company)

**delete as appropriate*

Claimant's or claimant's legal representative's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

Application for Injunction (General Form)

Name of court Birmingham County Court	Claim No.
Claimant's Name and Ref. Andrew Thompson, Vivien Walsh, Caroline Bedale, Tony Beddow	
Defendant's Name and Ref. Brian Fisher Hardiman-Smith	
Fee Account no.	

Notes on completion

Tick which boxes apply and specify the legislation where appropriate

- (1) Enter the full name of the person making the application
- (2) Enter the full name of the person the injunction is to be directed to
- (3) Set out any proposed orders requiring acts to be done. Delete if no mandatory order is sought.
- (4) Set out here the proposed terms of the injunction order (if the defendant is a limited company delete the wording in brackets and insert 'whether by its servants, agents, officers or otherwise').
- (5) Set out here any further terms asked for including provision for costs
- (6) Enter the names of all persons who have sworn affidavits or signed statements in support of this application
- (7) Enter the names and addresses of all persons upon whom it is intended to serve this application
- (8) Enter the full name and address for service and delete as required

- By application in pending proceedings
- Under Statutory provision _____
- This application is made under Part 8 of the Civil Procedure Rules



This application raises issues under the Human Rights Act 1998 Yes No

The Claimant⁽¹⁾ Andrew Thompson on behalf of all the Claimants
applies to the court for an injunction order in the following terms:

The Defendant⁽²⁾ Brian Fisher and Jean Hardiman-Smith

must⁽³⁾ Cancel the SHA CC meeting scheduled for 01/08/2020 and call an online CC meeting of delegates and representatives as reported to the AGM of 29/02/2020 within 4 weeks

The Defendant

be forbidden (whether by himself or by instructing or encouraging or permitting any other person)⁽⁴⁾

to call any CC meeting unless it be of all delegates and representatives reported to the AGM on 29/02/2020; to spend any money from the funds of the association in advance of the CC meeting

And that⁽⁵⁾

Costs of this application be a matter for the final hearing

The grounds of this application are set out in the written evidence

of⁽⁶⁾ Andrew Thompson, Alex Scott-Samuel and Irene Leonard sworn (signed) on 25/07/2020

This written evidence is served with this application.

This application is to be served upon⁽⁷⁾

Brian Fisher,
Jean Hardiman-Smith,

This application is filed by⁽⁸⁾ Andrew Thompson on behalf of all the Claimants

the first named Claimant and Litigation Friend to the other Claimants

whose address for service is

A. P. Thompson

Signed

Dated 25/07/2020

* Name and address of the person application is directed to

To* of at on

This section to be completed by the court

This application will be heard by the (District) Judge

at on

the on day of 20 at o'clock

If you do not attend at the time shown the court may make an injunction order in your absence

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The court office at

is open between 10am and 4pm Mon - Fri. When corresponding with the court, please address all forms and letters to the Court Manager and quote the claim number.

Letter before action (sent by email 25/07/2020)

To Brian Fisher and Jean Hardiman Smith

Dear Comrades

Please find attached our claim, complete save for addresses, which we will file on Monday 27/07/20 unless, by midday on that date, you have cancelled the rump Central Council meeting selectively called for 01/08/2020, and called a full Central Council meeting constituted as per the reports at the 2020 AGM.

It is our belief that your attempt, without the involvement of the Treasurer, to reduce the membership of CC, cutting representation from all Branches save 1, reducing the size of CC by approximately 40% is highly irregular and unconstitutional and against the estoppel established by the actions of the former Chair and the 2020 AGM. We are concerned that it will limit the proper oversight of the financial concerns raised by the Treasurer recently.

Be in no doubt of our intention to pursue this claim, and an action for costs. We trust that you will see sense and that this will not be necessary.

Comradely

Andrew Thompson

Vivien Walsh

Caroline Bedale

Tony Beddow